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APPLICATION NO	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO	CONFIRMATION NO
09 393,563	09 10 1999	JAMES R. WOODWARD	LD-10956-GEC	2909

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EXAMINER

GUHARAY, KARABI

ART UNIT	PAPER NUMBER
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2879

DATE MAILED: 09 09 2002

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/393,563

Applicant(s)

WOODWARD ET AL.

Examiner

Karabi Guharay

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-18 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1-18 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on ____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on ____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. ____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) ____
- 4) ☐ Interview Summary (PTO-413) Paper No(s). ____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: ____

Response, filed on August 12, 2002 has been considered and entered.
Applicant's request for reconsideration of the finality of the rejection of the last Office action is persuasive and, therefore, the finality of that action is withdrawn.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371(c) of this title before the invention thereof by the applicant for patent.

The changes made to 35 U.S.C. 102(e) by the American Inventors Protection Act of 1999 (AIPA) do not apply to the examination of this application as the application being examined was not (1) filed on or after November 29, 2000, or (2) voluntarily published under 35 U.S.C. 122(b). Therefore, this application is examined under 35 U.S.C. 102(e) prior to the amendment by the AIPA (pre-AIPA 35 U.S.C. 102(e)).

Claims 1-2 are rejected under 35 U.S.C. 102(e) as being anticipated by **Yamamoto et al.** (US 6054810).

Regarding claim 1, Yamamoto et al. disclose a ceramic metal halide lamp (see abstract and Fig 1 or Fig 2) comprising an envelope (1) an elongated interior chamber (4) disposed within the envelope (1) having a lamp body located therein (see lines 32-39 of column 4) at least one electrode lead (6a, 6b) partially housed by the interior chamber (4), and a single continuous elongated mandrel (6a) forming a shaft of the electrode lead (lines 13-15 of column 5).

Regarding claim 2, interior chamber (4) has first and second legs (4d, 4e) extending therefrom for receiving first and second lead (6a, 6b) respectively.

Claims 1-2 are rejected under 35 U.S.C. 102(e) as being anticipated by **Ikeuchi et al.** (US 5932969).

Regarding claim 1, Ikeuchi et al. disclose a ceramic metal halide lamp (lines 22-27, lines 53-54 of column 5) comprising an envelope (2 of Fig 3) an elongated interior chamber (1) disposed within the envelope having a lamp body (11 of Fig 1) located therein, at least one electrode lead (31, 21 of Fig 1) partially housed by the interior chamber and a single continuous elongated mandrel (21, 31) forming a shaft of the electrode lead.

Regarding claim 2, Ikeuchi discloses that the interior chamber has first and second legs (sealing tubes 12) extending for receiving first and second leads (21, 31).

Claims 1-7, and 9-12, 14-18 are rejected under 35 U.S.C. 102(e) as being anticipated by **Sugimoto et al.** (US 6208070 B1).

Regarding claim 1, Sugimoto et al. disclose a ceramic metal halide lamp (see Fig 1) comprising an envelope (9), an elongated interior chamber (1) disposed within the envelope having a lamp body (discharge tube 1) located therein (lines 46-48 of column 3), at least one electrode lead (4a, 17a of Fig 2) partially housed by the interior chamber (11 of Fig 2) and a single continuous elongated mandrel (19a) forming a shaft of the electrode lead (lines 23-26 of column 4, and 61-65 of column 4, and line 3 of column 5).

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Regarding claim 2, Sugimoto et al. disclose that the interior chamber (1 of Fig 1) has first and second leg (13a and 13b of Fig 2) extending therefrom for receiving a first and second lead respectively (see Fig 2 and Fig 3).

Regarding claims 3 and 4, Sugimoto et al. disclose that electrode lead includes a tip coil (15a) operatively associated with one end of the mandrel (19a) and tip coil is formed from tungsten (see Fig 3, lines 61-63 of column 4).

Regarding claims 5 and 6, Sugimoto et al. disclose that the electrode lead includes an overwind component formed of molybdenum, operatively associated with the mandrel (19a) at a predetermined position (see Fig 3, lines 9-11 of column 5).

Regarding claim 7, mandrel (19a) is formed from a single piece of tungsten wire (line 3 of column 5).

Regarding claim 9, Sugimoto et al. disclose a ceramic metal halide lamp (see Fig 1) comprising an envelope (9), an interior chamber (1) disposed within the envelope (lines 46-48 of column 3), at least one electrode lead (4a, 17a of Fig 2) partially housed by the interior chamber (11 of Fig 2) and a single continuous elongated mandrel (19a), an electrode tip coil (15a of Fig 3) operatively associated with one end of the mandrel, and an overwind component operatively associated with the mandrel at a predetermined position (see Fig 3, lines 23-26 of column 4, and 61-65 of column 4, and line 3 of column 5, and lines 9-11 of column 5).

Claim 10 recites essentially the same limitation of claim 4. Thus claim 10 is rejected as claim 4 (see rejection of claim 4).

Claim 11 recites essentially the same limitation of claim 6. Thus claim 11 is rejected as claim 6 (see rejection of claim 6).

Claim 12 recites essentially the same limitation of claim 7. Thus claim 12 is rejected as claim 7 (see rejection of claim 7).

The method claims of 14-18 are rejected with respect to Sugimoto et al. in view of rejection of claims 1-7 and 9-12, since the method of claims 14-18 inherently follow the structure of claims 1-7, and 9-12.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 8, and 13 are rejected under 35 U.S.C. 103(a) as being unpatentable over Sugimoto et al. as applied in claim 1 above.

Regarding claims 8 and 12, Sugimoto et al. meet all the claimed limitations of claim 8, and 12, except for the limitation of outside diameter of the overwind component being greater than the outside diameter of the electrode tip coil. Sugimoto is silent about the dimension of the electrode coil tip. However, It is noted that applicant's limitation of having outside diameter of the overwind portion greater than the outside diameter of the electrode tip coil, does not solve any of the stated problems or yield any unexpected result that is not within the scope of the teachings applied. Therefore it is considered to be a matter of choice, which a person of ordinary skill in the art would

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have found obvious to choose the outside diameter of the electrode tip coil to be less than the outside diameter of the overwind component (as evidenced in the device of Stoffels et al. US 5751111).

Claims 1-6, 11, are rejected under 35 U.S.C. 103(a) as being unpatentable over Stoffels et al. (US 5751111) in view of Ikeuchi et al. (US 5932969).

Regarding claim 1, Stoffels discloses a ceramic metal halide lamp (Fig 1) comprising an envelope (outer envelope 1), an elongated interior chamber (3) disposed within the envelope having a lamp body at least one electrode lead (40, 41, and 4a) partially housed by the interior chamber (3), and elongated mandrel (41, and 4a) forming a shaft of the electrode lead. But elongated mandrel is not a single continuous Mandrel. However, Ikeuchi et al. disclose a single continuous mandrel (21, 31) forming a shaft of the electrode lead. Ikeuchi teaches a single continuous piece (21) through the opening of the sealing body 12 (see Fig 1) for exactly positioning the electrodes and avoiding corrosion of the soldered portion (60 of Fig 2, see lines 49-53 of column 3).

Thus it would have been obvious to one having ordinary skill in the art at the time the invention was made to use a single continuous piece forming a shaft of the electrode lead as disclosed by Ikeuchi et al., in the device of Stoffels, since this will provide exact positioning of the electrodes and also reduces corrosion.

Regarding claim 2, Stoffels discloses that the interior chamber (3) has first and second legs (34, 35 of Fig 2) for receiving first and second lead.

Regarding claim 3, Stoffels discloses an electrode tip (4c, 5c) operatively associated with one end (4a, 5a) of the mandrel.

Regarding claims 4,5, 6, and 8, Stoffels discloses that the tip coil (4c, 5c) is formed from tungsten (lines 10-12 of column 4), and an overwind component (41a and 51a) made of molybdenum (lines 36-37 of column 3), wherein the outside diameter of the overwind component being greater than the outside diameter of the electrode tip coil (see Fig 2).

Claim 9 recites essentially the limitations of claims 3 and 5. Thus claim 9 is rejected as claim 3 and 5 (see rejections of claims 3 and 5).

Claims 10, 11, 13 are rejected as claims 4, 6, and 8 (see rejections of claims 4, 6, and 8).

Claims 14-17 are rejected with respect to Stoffels and Ikeuchi et al. in view of claims 1-6, since the method of claims 14-17 inherently follow the structure of claims 1-6.

Claims 7, 12 are rejected under 35 U.S.C. 103(a) as being unpatentable over Stoffels and Ikeuchi et al. as applied to claim 1 and 9 above, and further in view of Yamazaki et al. (US 3832590).

The combined structure of Stoffels in view of Ikeuchi et al. meets all limitations of claim 7 and 12, except for the single continuous mandrel being formed of tungsten. However, Yamazaki et al. disclose a ceramic metal halide lamp wherein a single continuous mandrel made of tungsten wire (5, 6 of Fig 2) is used instead of molybdenum wire as single continuous mandrel of Ikeuchi, since it has been held to be within the general skill of an worker in the art to select a known material on the basis of its suitability for the intended use. *In re Leshin*, 125 USPQ 416.


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Contact Information

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Karabi Guharay whose telephone number is (703) 305-1971. The examiner can normally be reached on Monday-Friday 8:30 am - 5:00 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Nimeshkumar D. Patel can be reached on (703) 305-4794. The fax phone number for the organization is (703) 308-7382.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 308-0956.


Karabi Guharay
Patent Examiner
Art Unit 2879


ASHOK PATEL
PRIMARY EXAMINER